

ORDINANCE 1588

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ADOPTING AMENDMENTS TO NORTH BEND MUNICIPAL CODE CHAPTER 19.06 AND REPEALING NORTH BEND MUNICIPAL CODE CHAPTERS 12.08 AND 19.07, CONCERNING FRANCHISE UTILITIES AND STREET LIGHTING; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of North Bend provides regulations pertaining to franchise utilities, including natural gas, electrical power, communications, cable television, and street lighting in three separate chapters of the North Bend Municipal Code, including Chapter 12.08 Overhead Utility Lines, Chapter 19.06 Design and Construction Standards for Electrical and Street Lighting, and Chapter 19.07 Design and Construction Standards for Underground Cable Television Conduits; and

WHEREAS, to simplify administration of these similar regulations, avoid overlap, and eliminate conflicting language between these chapters, the City wishes to consolidate these regulations into an amended chapter of the North Bend Municipal Code – Chapter 19.06 Franchise Utilities and Street Lighting, hereafter referred to as “the Amendments,” and repeal existing Chapters 12.08 and 19.07; and

WHEREAS, the City additionally wishes to provide updates in the Amendments to better clarify when undergrounding of existing overhead utilities is required, clarify when street lighting is required, and provide certain design criteria for electrical transmission lines and street lights; and

WHEREAS, the City issued a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) and Notice of Public Hearing for the Amendments on March 9, 2016; and

WHEREAS, the City submitted the Amendments to the Washington State Department of Commerce for review as required per RCW 36.70A.106 on March 7, 2016; and

WHEREAS, the Planning Commission reviewed the Amendments at their March 10, March 24, and April 14, 2016 meetings, and held a public hearing on the amendments on March 24, 2016, receiving and considering comments; and

WHEREAS, pursuant to the procedures established in NBMC 20.08, notice of the public hearing and SEPA DNS was provided by publication of a legal notice in the Snoqualmie Valley Record, posting at the City's four official posting locations, and posting of the hearing, SEPA DNS, and proposed amendment language on the City's website and updated frequently; and

WHEREAS, the Planning Commission, on March 24, 2016, recommended approval of the Amendments, as described in the Planning Commission Findings Conclusions and Recommendations staff report dated April 15, 2016, attached as Exhibit B, which includes the written comment received; and

WHEREAS, the Council finds that the proposed Amendments address and are consistent with the requirements of the Growth Management Act; and

WHEREAS, the Council finds that the City followed procedural requirements of NBMC Chapter 20.08 to notify and advertise amendments of the Code to the public and interested agencies and pursuant to this, the Planning Commission and subsequently the City Council considered all written and verbal comments received during their respective processes;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the amendments to Chapter 19.06 Design and Construction Standards for Electrical and Street Lighting, of the North Bend Municipal Code, and renames it Franchise Utilities and Street Lighting, as attached hereto as Exhibit A.

Section 2. The City Council repeals Chapter 12.08 Overhead Utility Lines, and Chapter 19.07 Design and Construction Standards for Underground Cable Television Conduit, of the North Bend Municipal Code, in their entirety.

Section 3. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date: This ordinance shall be published in the official newspaper

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of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 3RD DAY OF MAY, 2016.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

Published: May 11, 2016
Effective: May 16, 2016

ATTEST/AUTHENTICATED:

Susie Oppedal, City Clerk